

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RORY BRIAN HORN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Case No. 1:10-cv-00253
Judge Mattice

Magistrate Judge Carter

ORDER

On August 15, 2011, United States Magistrate Judge William B. Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). [Court Doc. 15]. Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly,

- Plaintiff's Motion for Judgment on the Administrative Record [Court Doc. 8] is hereby **GRANTED**, to the extent that it seeks remand under Sentence Four of 42 U.S.C. § 405(g);
- Defendant's Motion for Summary Judgment [Court Doc. 12] is hereby **DENIED**;

- The Commissioner's decision denying benefits is hereby **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further evaluation.

The Clerk shall close this case.

SO ORDERED this 6th day of September, 2011.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE